

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 15-cr-20146

Hon. Matthew F. Leitman

v.

OCTAVEOUS MELVIN GORDON,

Defendant.

/

**ORDER DIRECTING DEFENDANT TO SUPPLEMENT HIS
MOTION FOR COMPASSIONATE RELEASE (ECF No. 38)**

Defendant Octaveous Melvin Gordon is a federal prisoner incarcerated at FCI Greenville in Greenville, Illinois. On June 9, 2021, Gordon filed a motion for compassionate release from custody pursuant to 18 U.S.C. § 3582(c)(1)(A). (*See* Mot., ECF No. 38) In his motion, Gordon seeks release based on his concerns about the COVID-19 pandemic and his underlying health conditions. (*See id.*)

As the United States Court of Appeals for the Sixth Circuit recently recognized, “when [a prisoner] has access to the COVID-19 vaccine,” the prisoner’s potential exposure to the virus while in custody “does not present an extraordinary and compelling reason warranting” release. *United States v. Lemons*, 15 F. 4th 747, 751 (6th Cir. 2021). *See also United States v. Traylor*, --- F. 4th ---, 2021 WL 5045703, at *1 (6th Cir. Nov. 1, 2021) (holding district court did not abuse its

discretion when it denied a motion for compassionate release based on on prisoner's underlying health conditions where defendant had been fully vaccinated). Thus, in order to fully evaluate Gordon's motion, the Court requires additional information from him. The Court therefore **DIRECTS** Gordon, by no later than **January 10, 2022**, to file a supplement with the Court that answers the following questions:

1. Has a COVID-19 vaccine been made available to prisoners generally at FCI Greenville?
2. Have you been offered a COVID-19 vaccine? If so, which vaccine, and when was it offered to you?
3. If a vaccine was offered to you, did you agree to be vaccinated, or did you reject the offer to be vaccinated?
4. If you accepted the offer to be vaccinated, has the vaccine been administered to you? If so, how many doses of the vaccine have you received, and when were the doses administered?
5. Finally, if you agreed to be vaccinated but have not yet been vaccinated, when will the vaccine be administered to you?

Once the Court receives this supplemental information from Gordon, it will rule on his motion. If Gordon does not respond to this order by **January 10, 2022**, it will dismiss his motion without prejudice.

IT IS SO ORDERED.

Dated: November 8, 2021

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on November 8, 2021, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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